

# Bristol City Council

## Minutes of the Public Safety and Protection Sub-Committee B



21 July 2020 at 10.00 am

### **Members Present:-**

**Councillors:** Richard Eddy (Chair) and Fi Hance

### **Officers in Attendance:-**

Sarah Flower (Senior Licensing Officer), Carl Knights (Licensing Policy Advisor), Shreena Parmar (Legal Advisor) and Oliver Harrison (Democratic Services Officer)

### **1. Welcome and Safety Information**

The Chair explained the legal framework to the Meeting and how it would proceed.

### **2. Apologies for Absence**

Apologies were received from Cllr Carole Johnson and Cllr Chris Davies.

### **3. Declarations of Interest**

None received.

### **4. Minutes of the Previous Meeting**

The minutes of the meeting of 23 June 2020 were agreed as a correct record.

### **5. Public Forum**

None received.

### **6. Suspension of Committee Procedure Rules CMR10 and CMR11 Relating to the Moving of Motions and Rules of Debate**



RESOLVED – that having regard to the quasi-judicial nature of the business on the Agenda, those Committee Procedure Rules relating to the moving of motions and the rules of debate (CMR10 and 11) be suspended for the duration of the meeting.

## 7. Exclusion of the Press and Public

RESOLVED - that under Section 11A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the ground that involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended.

## 8. PSP Report JB

The applicant was in attendance.

The Licensing Officer introduced the report and drew attention to the following:

- The application for a Private Hire Driver's Licence was made on 9 April 2020. The applicant has held a licence since 2014.
- Upon processing the application a DVLA check was carried out which identified an SP30 offence resulting in a 6 points licence penalty. The applicant did not declare this offence on his application as required by the policy.
- The Council's general policy on criminal behaviour states that this offence is a hybrid offence which will be treated as a major traffic offence if 4 or more penalty points were imposed for the offence. 6 points were imposed therefore the offence is treated as a major traffic offence.
- However, where the conviction is within 6 months prior to the date of the application the application will normally be refused
- An application will normally be refused if there is a major traffic offence within 6 months prior to application.

The applicant gave the following evidence:

- The date of the offence was 3 December 2019. The company he worked for received a letter asking who the driver was. He then received a letter in late January/early February where he accepted responsibility for the offence and returned a form. . He then went on holiday 10 – 24 February 2020 and moved house on 1 March 2020. Mid to end of March 2020 he received a letter regarding the offence requesting his financial details, which he states he provided.
- He applied for the licence on 9 April 2020 as the licence would be expiring in May. At the time of the application, he had not received an outcome for the speeding offence and he did not have an outcome / conviction at the point of application. He had not received a fine or points at that time and therefore he ticked the declaration box as at that time he state there was nothing to declare.
- There was an article in the press about this conviction, which was the first that he had heard about the points. This was around 5 May. He then got a letter 6 May, then paid fine on the 7 May.



- The offence was driving 40 mph in a 20mph limit, which was why the penalty points were doubled. He states he was not on a job or hurrying to one, but was just careless.

After questioning from the committee, the following information was confirmed:

- . The applicant's driving record does not reveal any other offences
- There has been a delay in bringing this case to committee due to a backlog caused by the coronavirus pandemic
- The press article referred to was found and was dated 4 May on the Somerset Live website. The address in the article is his current address.
- The applicant moved house before making his application but did not inform the authority of this change of address, which is a breach of conditions.
- The applicant has not been able to work for the past 2 months as his licence expired in May.

The Committee withdrew to deliberate on their decision.

**RESOLVED (unanimous decision)**

The Committee takes the offence of speeding very seriously as it is a danger to public safety. The Committee acknowledged the applicant's previous good record and applied the Council's policy on convictions. At the time of the application was made four months had passed since the offence took place, and the applicant has not been licenced since his licence expired in May. The Committee are satisfied that six months has passed since the offence occurred, with no further offences occurring and granted the licence. The Committee gave him a warning in respect of the speeding offence and failing to comply with licencing conditions (by not informing of his change of address) and reminded him of the standard expected of licence holders.

## **9. PSP Report MH**

The applicant's representative (IM) was in attendance.

The Licensing Officer introduced the report and drew attention to the following:

- This is an application for renewal of a Private Hire Vehicle Licence. The vehicle was first registered in June 2010 and the application was made in May 2020.
- The policy is not to licence a vehicle that is over 10 years old.
- New vehicles registered must be petrol, electric or hybrid. The application vehicle is diesel. Exemptions for diesel vehicles can be considered as long as the vehicle is being used for executive travel.
- The vehicle has not undertaken the necessary mechanical checks.

The applicant's representative gave the following evidence:

- The applicant seeks to extend the vehicle licence temporarily until his MOT expires in December 2020



- Due to Covid-19 restrictions, the applicant has not been able to work as a taxi driver and had to resort to claiming benefits, putting his family in financial hardship.
- He has been a taxi driver since 2005 and has no convictions.
- The vehicle has a valid MOT certificate until December 2020 and is taxed until February 2021. The MOT was done by BCC fleet services so should expect to pass any further testing.
- He has been working as a taxi driver while studying law and will be taking up a pupillage in January 2021. He would like to continue taxi work until then.
- In Northern Ireland there has been automatic renewal of licences during Covid-19.

After questioning from the committee, the following information was confirmed:

- There have previously been very few vehicles over 10 years old that have been granted exemption. Considering poor air quality in Bristol, there would need to be exceptional circumstances to grant exemption.
- That the committee can grant a licence of any duration up to 12 months.
- The applicant was unlikely to use the vehicle for executive travel.
- BCC policies are made based on national legislation.
- Personal circumstances carry no weight in proceedings, as it is a question of valid policy and public safety.

The Committee withdrew to deliberate on their decision.

RESOLVED (unanimous decision)

The Committee considered and applied the Council's Vehicle Specification Policy and determined to refuse the application. The Committee is not satisfied that the vehicle is suitable; it took into account its age, type and specification, especially as the vehicle over 10 years old and is a diesel engine. The Committee does not consider that there are exceptional circumstances to depart from the policy. The Committee was not required to take into account the personal circumstances of the applicant since the primary concern is protection of the public.

## 10 PSP Report NK

The applicant's representative (HK) was in attendance.

The Licensing Officer introduced the report and drew attention to the following:

- The application is for a Private Hire Vehicle Licence, seeking exemption from the policy requiring all newly licenced vehicles to be a maximum of 3 ½ years old.
- The vehicle was registered on 15 November 2016 and is 3 years 8 months old.
- The policy states that the authority should not grant a licence if they are not satisfied that the vehicle is suitable.

The applicant's representative gave the following evidence:



- The applicant believed that she needed an MOT certificate prior to the licence application. The vehicle had to have tinted windows removed. Covid-19 restrictions meant a delay in getting this fixed. The MOT was completed on 6 April 2020.
- The car was bought within the 3 ½ year limit, but this period expired due to the belief that the MOT certificate was required prior to the application and delays. When the car was purchased it would have qualified as it was less than 3 ½ years old from first registration

After questioning from the committee, the following information was confirmed:

- A new licence is granted for a period of 12 months.
- The vehicle is 2 months older than the 3 ½ year limit.

The Committee withdrew to deliberate on their decision.

**RESOLVED** (unanimous decision)

The Committee are satisfied that the applicant made improvements to the vehicle prior to the licence application being submitted in order to comply with vehicle requirements, although the application was made two months later than the policy states, due to the applicant's incorrect belief of the timing of the application. The Committee considered the overall age and type of the vehicle and determined to grant the application.

## **11 PSP Report IO**

It was noted that this item had been withdrawn from the Agenda.

Meeting ended at 12.00 pm

**CHAIR** \_\_\_\_\_

